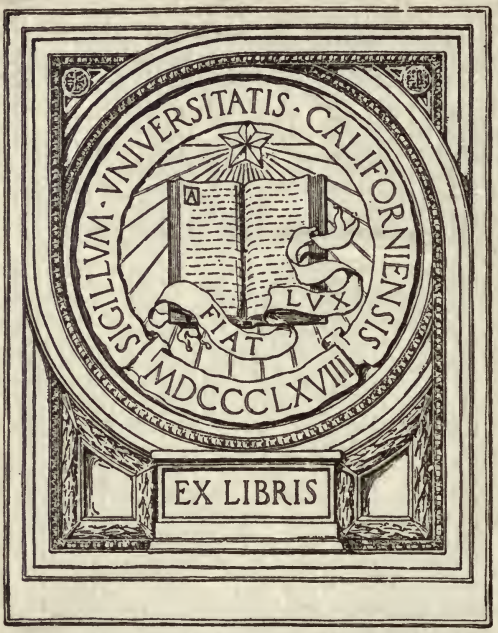
THE MYSTERY OF BONANZA TRAIL



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The MYSTERY OF BONANZA TRAIL

"Do you see that man coming down the trail?"—See page 30.

The MYSTERY OF BONANZA TRAIL

By FRANK J. ARKINS 1866-

WITH ILLUSTRATIONS
By J. RICHARD PARRY

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DEDICATION

This story is the unvarnished tale of some of the experiences common to the average prospector who strikes it rich in the hills. He is the man who blazes the way for civilization and to him this book is dedicated.

F. J. ARKINS.

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THE MYSTERY OF BONANZA TRAIL

Preface

Bonanza Trail is a pathway over the mountain leading from the north to the south side of a titanic uplift that adjoins the main range. The gap through which it passes reaches an altitude of 11,000 feet above sea level. From that point to the creek bottom on the south, the Trail drops abruptly to the deep gulch that gradually widens from a pass to a beautiful valley, and finally is lost in the desert miles and miles away.

The Trail, after leaving the saddle, hugs the side of the Ascension range, on the left, following a great dyke of volcanic rock, spewed up during a throe of nature in the early making of the world. The side of the mountain, as far as the line of vision extends, is a monotonous sea of broken andesite, sharp and jagged. There is not a tree on the side of this towering mass, not a sign of vegetation. One must follow the dyke, for to cross on the slide would mean death. Occasionally it slips and moves, when thousands of tons of

broken rock grind and tumble and roll downward, and falls at an angle of almost seventy degrees to the point where Contention Creek flows, a mile below.

The Consolidated Group was located along this old trail, which the Indians used long before the white man came. The mill below was separated from the main territory by ground owned by Sherman's enemies, else he could have driven in a tunnel, and undercut the ore bodies.

Above the Consolidated Group, the top of Ascension mountain was covered with a perpetual coat of snow. Beneath yawned the deep chasm. On a small tract of the ground behind the protecting wall of a dyke, the mine buildings were located. The rail on the porch of the Consolidated boarding house ran well over the edge of the precipice, five thousand feet above the tumultuous little creek that wound its way almost to the shaft house, and then turned through a dark gorge, and, following a dyke, plunged outward, and fell, in spray like millions of crystals. The fall and the creek were not, however, on Sherman's portion of the ground, else he could have utilized it for power.

Below was a little settlement, the terminus of the railroad, and the point from which supplies were

freighted up the steep trail on the backs of burros. The winters, on this bleak hillside, were terrible. For miles it is exposed to the attack of the elements, and on it wind and rain and snow beat with unrelenting fury. Snowslides were frequent, and claimed an annual toll of human life. Such is the section known as the Bonanza Trail, beneath which nature has hidden millions in treasure, which Sherman was battling to obtain.

Contention Creek tumbles down one of the roughest mountains in the world, where it merges with another turbulent, noisy stream. From the point where the snow melts into little rivulets, and the water percolates through the loose slide rock that sloughs down the steep hillsides, to form the tiny course that grows in volume as it descends the hill, it is a constant battle. The water dashes with fury against an immense granite boulder, as large as a city building, churns and foams, and is tossed in great clouds of spray that are driven by the wind against the mountain side. This stream crosses the upper end of the Bonanza Trail, an old roadway over which the gold-seekers passed in the pioneer days in their quest for fortune. The creek tumbles through a deep gorge, then runs over a wide

expanse of almost flat granite floor, which has been polished by the constant passage of the water. Then it roars over a bed of broken, gnarled volcanic rock, where it boils and eddies in terrific combat, to emerge into a steep channel, through which it swiftly flows, gathering strength for a mighty leap over a cliff, down which it plunges a full mile, spreading out like a beautiful bridal veil. The water strikes the bottom where a gigantic punch bowl has been worn by the impact through thousands of years, overflows the sides, and descends noisily, by a series of alternate rapids and falls, to a serpentine course that it has worn through the rocky chasm, now forcing itself against one side, then the other, now advancing, and at points receding, angrily, in its passage from the summit to the sea.

CHAPTER I.

The First Brush

Sherman had been swindled.

Had he pursued the methods common in business life, he could have avoided much of his trouble. But he was not a common man.

He had been victimized by a gang of sharpers, who sold him a vast tract of mining territory on which few would care to risk a dollar.

These men owned ground they were afraid to exploit—and they had adopted underhand means to have it developed, at the expense of Sherman. They sold it on time, and so hampered the purchaser with conditions that, if he succeeded, they would stand nine chances out of ten in taking the property away from him.

The ground had been sold a dozen times in as many years, and developed, partially, at the expense of others, and several fortunes had been dissipated.

Sherman, a rough man, was the product of his environment. He was proud, generous with his friends, close in personal affairs, melancholy, and, presumably, rich. He came into the Ascension Mountain district several years before, from the East, and his seemed to be the hand of Midas. His success was wonderful. Like a great many uneducated men, he possessed an intuitive knowledge of affairs. Because of his luck, his opinion as to the value of a mine was highly rated. But the group was a sink hole. Its owners had fleeced many an unwary man. Every opening on the property had its story of disappointment and penury.

They sold him a group of claims that lay diagonally across the mountain, like the backbone of a gigantic fish, the ribs representing the claims that connected with the main strip, or central bone. The spaces between belonged to the people from whom he had purchased. And therein was the danger. He was of the impression that he had purchased a compact tract of ground, for he had neglected to engage the services of an examining engineer to verify the representations of the owners.

It was a swindle, clear and simple. Everybody knew it, except Sherman. As he was not seeking ad-

vice, and resented interference, the community kept silent and awaited development. The sale was heralded far and wide. "Lucky" Sherman, who had made half a dozen big stakes, and kept every one, had bought the Consolidated Group, on the Bonanza Trail. He paid $80,000 down, and agreed to pay $80,000 semi-annually until a total of $800,000 had been paid. And while doing this he agreed by contract to sink a shaft 1,000 feet, at the rate of 250 feet a year.

It was the expectation of the sharpers that at depth a body of rich ore would be developed, and that by that time Sherman would have so exhausted his means that the property would revert to them. If he encountered bonanza ore close to the surface, they relied upon the contiguous ground they held as vehicles to actions at law, to wear him out in the courts.

Everybody understood it—except Sherman. It was a barefaced trick, and the fact that he was considered the shrewdest trader and closest dealer in the district, made the deal the more amazing.

This was the condition of affairs when I was invited to associate myself with the enterprise, in an advisory capacity.

Sherman was the laughing stock of the country.

It was rumored that he had expended nearly every dollar he possessed in the work he had carried on, and while everybody in the district knew he had been defrauded, he seemed perfectly satisfied.

All this I learned the first day I arrived on the Bonanza Trail.

I advised him to quit—to write it all off as a bad investment, but he would not heed the warning.

"You are here to give advice as to the development of this property—not with regard to my personal affairs," he said.

This was the only wall between us—for we grew to be fast and trusted friends.

He was confident that great ore bodies existed at depth. I thought so, too, but he was so hedged in by conflicting property, and the chances of litigation were so great, that, it seemed to me, he would be wiped out on the very threshold of success.

He acquiesced, quietly and without murmur, in the costly plan of work outlined, and after a few months, at a depth of 400 feet, on the Treasure claim, we cut a small stringer of ore that returned sensational values. Sherman thought that we had encountered the Great Bonanza vein—I was of the opinion that it was merely

a stringer leading to it, for it widened as we drifted on it. We commenced to ship the ore down the mountain on the backs of burros, which he called our "Inter-Burro Service." The streak widened, until we were sending down a carload of ore daily; and until the mine was paid for, a percentage of the net proceeds had to go to the sellers.

The Bombshell shaft, owned by the men who had sold the Consolidated Group to Sherman, adjoined the main strip of land at this point, and connected with the claim we were working.

As the bottom of our shaft was 150 feet lower than the Bombshell, in pumping from the Treasure, we kept the other hole dry, at no expense to the owners. So they commenced work on their claims. I surmised that they were drifting toward the ore in the Treasure, which was rather closer to their shaft than to ours, and was approached by a long drift. When they started to ship, I was confident that they were mining it on our side of the line. The only way to prove it was to break into their workings, since M'Cracken, the superintendent, declined to let us inspect the property, while he had a perfect right to enter ours, until the last dollar

of the bond had been paid. It was a cut-throat proposition, and they held the knife.

We commenced to drift toward them, with machine drills, and one night, a few weeks later, we broke into their second level.

I called on M'Cracken, and explained that he had trespassed on our ground. He smiled knowingly—but remained silent. He was a good fellow, and we were great friends—but he was guarding the interests of his employers as carefully as I was protecting Sherman.

"Personally," I said, "this is downright robbery, Mac."

"Personally, old man, we had better not discuss that phase of it."

I took the cue.

That night Sherman was served with an order of court enjoining him from performing any further work on the north side of the shaft, and a notice to the effect that an underground survey by engineers selected by the district judge would be made, to determine to whom the ore belonged. Also there was a demand for an accounting and a suit for damages.

They intended to smoke Sherman out in the courts, and this was the first attack.

That night Powers, Sherman's attorney, came up from the county seat, and looked over the ground.

"They haven't a ghost of a show," was his verdict. "But you know these people have a vast amount of money, they employ brilliant legal talent, they are unscrupulous and they are as corrupt as they are wealthy. They intend, now that you have opened rich ore, to steal back the mine. They will wear you out in the courts, for they are resourceful."

We looked at each other.

"The survey will show that the ore belongs to Sherman," I said.

"It may. It doubtless will. They are fighting for time—piling up costs on Sherman, who relies on the ore to meet his payments."

"I will attend to the financial end, Powers," said Sherman, dryly. "Confine yourself to the legal aspect of the case."

"They may claim an apex.* The case will drag along for years."

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*This is the law that governs extra-lateral rights, in that it usually permits the discoverer at its highest point of outcrop to follow and mine the ore from the vein, providing he does not pass beyond his endlines.

"But if the shaft was filled with water," I commenced—and then caught myself.

"Out with it," commanded Powers.

"We are pumping 1,200 gallons of water a minute. If we stopped the pumps, the shaft would be filled to the collar by daylight, and—can they make us pump?"

Powers threw back his head and laughed, and slapped his leg.

"They can order the survey," he said, "and they can make it—but not with the mine full of water."

"Can they compel us to run our pumps?"

"If we choose to save money, no court can compel us to spend it. We don't propose to operate those pumps. Let them make the survey."

I shouted to Larsen, the superintendent, and twenty-five minutes later we had stopped and were pulling the big sinker pump from the hole, and the men had been ordered out of the shaft, which was now rapidly filling with water.

The next morning M'Cracken, with several surveyors and the owners of the Bombshell, appeared on the Trail. Sherman gave Powers a rifle, and, pointing up the gulch down which Contention Creek tumbled, said:

"You go up there and hunt whales."

"Whales?"

"Yes; they are very annoying to the settlers. I'll stay here and catch wolves."

Powers smiled, and started up the trail.

M'Cracken appeared.

"We have come to make a survey of your underground workings," he said. "May we proceed?"

"You may," answered Sherman.

They went over to the shaft house, and after a few moments M'Cracken returned, smiling.

"The fires under your boilers are out," he said, addressing Sherman.

"They are," was the indifferent answer.

"The mine is full of water."

"It is."

"That, Sherman, is a very serious matter," said M'Cracken, weighing every word.

"I agree with you," was the quiet rejoinder.

"What," asked M'Cracken, "do you intend to do about it?"

"For reply, permit me to ask you the same question."

Then the owners came forward, and entered into a

conference with Sherman. They threatened, and, with their lawyers, who were present, bullied, but Sherman was undisturbed. There was no more expression to his face than to a piece of brown paper.

They had set a trap for him, and had walked into it themselves—and they knew it.

After several hours of talk, one of them suggested consolidation. Sherman declined flatly to listen to it. Asked for a proposition, he answered:

"I offer you one of two alternatives. You may give me a deed to the Bombshell, or, you may defend a suit for trespass, damages, an accounting—and, some more. You may keep the ore you have stolen, and I shall make no claim for that. I shall enjoin you from operating any property intersecting the Great Bonanza vein."

"But suppose—" one of them commenced.

"Do you see that man coming down the trail?" asked Sherman, pointing to Powers, who was stumbling toward us.

"Yes."

"He is my attorney—tell your troubles to him." Saying which he entered the Consolidated office, and closed the door.

An hour later the papers had been drawn up and signed. Sherman had won the first brush with the enemy, but he started a conflict that was to burn a million dollars and that eventually cost him his life.

CHAPTER II.

Fighting Fire With Fire

"Well, I paid those vultures $80,000 yesterday, and now I guess they will leave me alone for a time," said Sherman one evening, after we had checked up the day's work underground.

He had hardly ceased to speak when the telephone rang, and he unhooked the receiver.

I heard him say "yes" several times, then "no," in a quiet, decided way, and closed the conversation.

Turning to me, he said, evenly:

"Stop work east of the shaft, draw the fires and pull the pumps." After which he walked unconcernedly out into the open air.

I motioned through the door to Larsen and told him, and, after glancing at Sherman a moment, he ventured:

"I tank, Sherman, he bane troubled."

The news spread, and there was a buzz of excitement, but not in Sherman's presence. After gazing at the snow-white tops of the Ascension range, he returned to the office, lighted a cigar, and after smoking a while in silence, said:

"Wolves have an insatiable appetite. Particularly the human brand. Give them money, it fevers them, and thereafter they trample down others to attain that which does not belong to them. We beat those fellows fair and square, in that Bombshell deal. We caught them red-handed, and really allowed them to get away with the plunder, taking only a barren piece of ground in return. Now they have filed suit against me from the Alligator, east of us, claiming an apex, and demand an accounting, seek damages, and so on. That was their lawyer talking over the 'phone. He wanted me to accept service that way—I declined. However, I have stopped work, for the reason that, as they wish to obtain an underground survey, and may make, by some hocus pocus, an attempt to force me to keep the shaft dry, I have decided to take no chances against the law, and will let the hole fill up with water before they get here.

So I look for a society call on the part of a deputy sheriff pretty pronto."

This was bad news. We were preparing for a big production. The Treasure shaft had been unwatered, and heavier pumps installed to meet the increasing flow. Sherman had paid another installment on the mine, and, while he did not say as much, I fancied he was close run for money, for there were a great many 'phone calls to the bank at the county seat, and an unusual number of letters from outside financial houses. We were preparing to enter an era of profitable production, when this new litigation fell. He called up his attorney and the following morning Powers was on the ground. After a conference, he said:

"We can win—but it will be a terrible battle, old man."

While we were discussing it, a deputy sheriff rode up the Trail and served Sherman with papers which enjoined him from all work of any kind whatsoever, on all of the claims that intersected the Great Bonanza vein, and an order forbidding him to cease pumping water until an examination of the underground workings of the Treasure claim could be made. Of course, they had not stated in the call over the wires that such

was the order, but Sherman anticipated it by his shrewd guess, and he could not be held accountable, for the reason that he had not been served or even notified, for that matter, that such was the case. This order was granted ex-parte. Not even Powers had heard of it when he left the county seat, for the case was presented in chambers. In addition they claimed an apex on every claim which crossed the Great Bonanza dike, and this effectually tied him. In other words, they claimed to have opened the same veins at points higher up on the hill, and, under the law in such cases, they were entitled to all the ore below them, if they proved their contention. As a matter of fact, such was not the case, but it was a method of sewing Sherman up, of grinding him to poverty, as others have been ruined before, until they could gain possession of the property, either through his failure to meet the payments, or, in the event he did, by wearing him out in the courts."

"We must hunt for ore along the Bonanza dike," said Sherman.

"Well," replied Powers, "anything you find there cannot be apexed—that is some satisfaction."

The claims along the dike adjoined, parallel, three

wide, and the Bonanza vein traversed the central zone, so that he was protected by his own property from outside litigation. But the Bonanza vein was an immense dike of low grade material, running almost north and south, while the claims carrying the smelting ore coursed northeast and southwest, and were rich at the points of junction with the dike.

"We have the ore," I told Sherman, "but it is of too low grade to send down hill by burro. If we had a water right, and a mill site on the creek, we could build an aerial tram, send the ore down by gravity, concentrate it, ship it to the smelter and make a profit of a dollar or two a ton. I believe I might get out a couple of hundred tons daily—"

"We'll do that," interrupted Sherman, with as much confidence as though the mill could be ordered tonight and be in place in the morning.

"But," I hastened to add, "it will take months to develop the low grade ore body, build the mill and tramway, and extend up the railway tracks, and we have not even the scratch of a pen toward the drawing for the mill, much less the preliminary metallurgical work to determine the type required."

"That's all right," was the short answer. "Instruct

Larsen on the way the work is to be done, make your tests as you go along, and I'll furnish the money—only, rush the mill."

I knew that Sherman was sailing close to the wind, that he had nerve and lots of it, but this was the coolest exhibition I had seen, for here he was actually planning to spend $250,000, not knowing what new danger beset him.

"About the water?"

"I own a water right—bought it of a farmer."

"Is it valid?"

"I said I owned it, didn't I?"

There was no use arguing. If he was wrong, we should find it out at the most embarrassing moment, and he would foot the bill, if he was not a bankrupt by that time.

The next morning we started a new shaft, on the only portion of the ground that was or could be litigation free, on a grade of ore so low that it would keep us watching the corners to remain on the right side of the ledger, and at the very moment when we were running behind at an enormous rate—yet $250,000 in money and nearly a year of time would be consumed before we could get a dollar back.

While we were carrying on this work, news came of a sensational strike of ore in the Alligator shaft, which flanked the Treasure claim on the east, for Sherman, in the weeks that had passed since the filing of these suits, had taken no action toward checkmating his enemies. Powers advised it, but he said he had decided upon a waiting policy. When he heard of the strike, he called up the lawyer on the long distance, and bidding him come up to the mine that night, hung up the 'phone.

I met him on the Trail.

"What's up?" he asked.

"I don't know," I answered, and I did not.

Sherman took the lawyer into his private office, and from the length of time that they were closeted his instructions must have been very short. Sherman always instructed—he never sought or accepted advice. As Powers was Sherman's attorney, not mine, he kept his mouth shut. My instructions were to tell the lawyer and no one else, all I knew about the mine, while his instructions were to tell me nothing about Sherman's litigation. Something was in the wind; what it was, I did not know.

The next morning Sherman went down to the

county seat. That afternoon he called me up by 'phone, and said:

"I am going away for a month or so. I have left some cash here, subject to your check, to meet expenses. Come down in the morning and leave your signature at the bank—Powers will identify you. In the meantime, get out the plans for the mill, get everything ready, bids, and so forth. When I come back you'll hear from me," and he hung up the 'phone.

I felt satisfied that he was going away to raise more money, with which to carry on his battle in the courts.

About an hour later one of the shift bosses came in and said, excitedly:

"There's something the matter at the Alligator. They have paid off their entire crew and shut down."

"What?"

Not only that, but all of the shafts belonging to Sherman's enemies that were producing ore had ceased operation.

He had filed counter-suits against them, asked for an accounting of all ore mined, sought damages, and obtained a temporary order restraining them from doing any work. He had filed a bond of tremendous

amount, and when he had done that, he was pretty close to bedrock. Then he quietly disappeared.

He was fighting a band of rogues, and was giving them a dose of their own medicine.

His was the only property on the Bonanza Trail that was operating; it was going full blast—and at a dead loss.

Thus we were plunged into a storm of litigation of such a complicated character that the hand of paralysis had been laid over the most promising mining section of the county.

CHAPTER III.

Forced to the Wall

After several months of delay, the mill was completed. It only remained now to finish the tram line, in order to commence grinding the ore we had blocked out in the mine above.

Should this mill prove to be a success, it meant the salvation of the district, for it would demonstrate that certain classes of low grade ore could be handled at a profit. But it was a rich man's game. On the success of Sherman's venture a dozen others hung. The aerial tram that conveyed the ore from the mine was a mile long, and was suspended from steel towers. It crossed deep gulches, vast stretches of volcanic slide rock, and sometimes the ore buckets swung more than 3,000 feet above an arroya. The buckets were loaded and emptied automatically, the descending loaded bringing

back the ascending empty buckets, in a parallel line. The ore bins at the mine had been full for months, and as soon as the wire cables had been tested, we commenced to send the product down the hill to fill the bins at the mill, for in a plant of this size it was necessary to have enough ore behind the crushers to run ninety days. Then, if anything happened to the tram, the plant could continue to grind without interruption, until the break was repaired.

When this work was completed, we commenced to send ore to the breakers, then to the concentrators, in which the rock was washed out of the pulverized mass, on shaking tables, the heavier particles, containing the mineral, remaining behind. Thus, the mineral contents of fifteen tons were concentrated into one ton. In this manner we saved the freight and smelting charges on fourteen tons of ore. While one ton would not pay expenses, if sent alone, by this method we could effect a saving of about one dollar to the ton of ore mined. In other words, the concentrated ton would pay a profit.

The mill was operated by water, while the subsidiary power was electric, and from it we supplied electricity to the mine, doing away with steam on the hill,

and the enormous cost of freighting fuel up on the backs of pack animals.

Just as we were preparing to extend the spur of the railroad track to the mill, our enemies appeared, and fought the right of way, for they had purchased ground in our path, and we were delayed until it could be condemned.

We had been running less than a week, when we were served with an order of court to cease using the water of the Farmers Co-Operative Water Company. Powers came up to investigate. He read Sherman's papers conveying the water right, after which he tore his hair, and, pacing the floor like a madman, raved:

"Oh, Sherman, you are one vast damn fool."

Sherman said nothing. He had made a mistake—he knew that, or Powers would not have dared to talk that way. In his loose method of doing business, he had bought, from an individual, a water right belonging to a company. The right was meaningless and void.

"What's the matter with the bill of sale?" he asked.

"What's the matter with it? Oh, hear him! What is the matter with it? What is right about it? What good is it? It is not worth the paper it is written on.

It conveys nothing—does not specify, explain, locate or stipulate. Does not say whether the water right is in the United States, or in Asia, whether for ten inches a second or four oceans a century. Sherman, you are an ass—a big, overgrown, blundering idiot. You own no water. Why didn't you let me see this paper before you started to build the mill—"

"When you get over your excitement, Powers," said Sherman, his voice coldly even, "we will get at the legal aspect of the case. Where do I stand?"

"This fellow has defrauded you. We will have him arrested—"

"We will do nothing of the kind," replied Sherman. "He is a poor devil—arresting him will not help us. We want to go higher up—get the fellow who engineered the deal. We have no time for revenge. We want water, and we want it quick. You get busy and report your findings to me."

Three days later Powers saw Sherman again. The president of the Farmers Co-Operative Water Company was the controlling factor in the corporation that was warring on Sherman, and their attorneys were the legal arm of the Co-Operative concern.

They had cut the sand from beneath Sherman's

feet, legally purchased the water right, and had the papers recorded. Then they had organized and had taken the water over. Sherman's papers, in addition to being worthless, were not even of record. He had not a leg to stand on.

We were beaten, fairly and squarely, though Sherman forced Powers to go through the farce of going into court, and insisting that we were not using, but were turning the water back into the stream after sending it through the mill, but the fact that the other crowd intended to carry it by our plant in a flume, silenced the attorney.

Bills were beginning to accumulate. His enemies had so timed this blow that it struck at a most inopportune moment. There was money due on the Consolidated Group, and it was on this point that they hoped to trap him, for by a stipulation in his bond and lease he had agreed, if he failed in his payments, to give them all improvements in the matter of machinery, and any land he might have acquired in connection with the property. So, unless he raised money, he would lose everything he had in the world, and besides, there were the unsettled damage suits. It was a terrible muddle,

and as he fought the different battles in the courts, Powers' hair began to turn gray.

Even his enemies now began to concede that it would be a calamity if Sherman lost—he had done more for the camp than any dozen men. He was "square," and from all sides rang notes of genuine regret. The people were only just beginning to appreciate him.

But Sherman was not seeking sympathy. He never indulged in self-pity—the luxury was too expensive.

He spent considerable time in the county seat, wrote numerous letters, and transacted a volume of business by telegraph, and in cipher.

At the mine we were saving a small streak of smelting ore, and it little more than paid expenses. While he did not say so, I knew that he was grateful.

Then he went away, and was gone several months, and we lived in daily expectation of hearing that the great property had been seized by the vandals who were pursuing him. I received letters from him from time to time, that contained little information as to what he intended to do or when he would return.

One evening, while sitting in the office, wondering

when it would all end, the telephone rang and Central said:

"County seat wants to talk with you."

A moment later a voice said:

"I'll be up in the morning."

It was Sherman.

I thought everybody at the mine would go wild—they nearly tore him to pieces. They danced around him like children. He made no demonstration. He was still the same cold, dignified man, and he wore the same mask of mystery, and appeared, if anything, more shabby than usual. His presence revived hopes, though from different sources reports began to filter in that he had simply returned to deliver over the property—that he had given up the fight. This had a depressing effect, and our feelings alternated between hope and fear. That afternoon he sent a bulky letter down to the bank.

After supper, while smoking in his little den, he turned to me and said:

"Those fellows are going into court in the morning with a personal note of mine for $50,000, which they have managed to obtain possession of. They asked me for the money over the 'phone this afternoon. I didn't

have it. They will ask judgment, and will take it by default, because I won't be there. Then they are going to try to levy on this property."

Sherman smoked on in silence for awhile.

"Funny," he finally said, "how men will go to all that trouble for nothing."

Three or four more puffs.

"Now, if that money had been due yesterday, for example, instead of today, it might really have been a serious affair."

"Serious? Isn't it? What do you mean?" I asked.

"I mean," he continued, slowly, "that I no longer own the Consolidated Group. It has been transferred to the Consolidated Mining, Exploitation and Milling Company in trust to secure my Eastern creditors, and they are to carry on the work until such time as I can repay them. I am to be their new general manager, though."

"Yes?" I said, for I was burning with curiosity.

"I mean," said Sherman, with the only smile I had ever seen on his gaunt, melancholy face, "that I am judgment proof."

CHAPTER IV.

The Mexican Venture

"Well," said Sherman one night, "I am going to give up the Mexican Venture."

"Mexican venture? Never knew you participated in one. When were you down there?"

"Wrong. The Mexican Venture is a mine—here in camp. I own it. Bought it a couple of months ago. Fellow had a row over the ground with a Greaser, and finally got possession. He named it the Mexican Venture. That was several months ago. I bought it then, and now I am going to sell it for $150,000."

"What did it cost you?"

"Honestly, I'm ashamed to tell it. I only paid $25,000 for the hole. Going some, eh?"

It certainly was, but you would never know it from Sherman's face.

"It will solve all of our financial difficulties for the time being, and give me money to pay for the mill—and other things."

There was no need of hurrying him. After he had smoked in silence awhile, he continued:

"I knew it was a cinch—that property—for I felt at the time that I was buying the apex to the Vendetta—they are on both sides of me, and the leads they are working crop on the Mexican Venture. How they ever overlooked that strip of ground is a mystery to me. At any rate, its mine. Few days ago, I called the attention of the owners to the matter—politely, of course—and after they had sent their surveyors over the ground and blustered some, they agreed to buy it of me, if I could deliver title, within nine months. Got a signed contract from them to that effect."

Here was another one of those moves, which Sherman always told about afterward. It seemed mighty strange to me that he could coolly walk up on the Vendetta for $150,000, as he said he was doing, and have the owners agree to his proposition without the usual process of establishing title in the courts. I thought he had overlooked something, and told him so.

"This deal is one of the cleanest you ever saw.

Now, I'll go all over it again. The original owners had a row with some Mexicans, got the claim—that's none of my business—named it, did the assessment work in the first thirty days and sold it to me, and now I have made the Vendetta crowd agree to buy it from me in nine months."

"If you can deliver title, I think you said."

"Of course. That was a measure of safety they inserted in the agreement. All I have to do is to sign a quit claim deed to the ground, they pass over the money and it's done. Easy? What makes it look so good to me is the fact that the people who have been giving me the run own the Vendetta. Startles you, eh? It is not generally known that they own it, but I found it out. They were surprised when they saw me come in. For some reason they were keeping their ownership quiet. That will even up scores on the Bombshell deal."

I was not quite so certain as he was.

Sherman had had a dozen brushes with these people, and, so far, he had won every case, and though it had cost him a deal of money, he was ahead of the game to date. But now he had bearded their pet lion, in their favorite den, and I fancied that they were not as insecure as he imagined they were.

"Sherman," I said, "I think I will go down with you and look over that piece of ground. Perhaps you have made a mistake—sometimes, you know, a man only opens his mouth to put his foot in it."

"When I require your services on the Mexican Venture, I will inform you," icily, "and in the meantime please be good enough to devote your energies to the Consolidated property—we want to double the capacity of the mill, and this afternoon we will send in an order to the supply houses—"

"Wouldn't it be a good idea to wait until you have the $150,000 before you send in that order?" I asked.

"Who is responsible for the debts of this property, you or me? I will send along $20,000 for the first payment, and by the time the addition is completed, the Vendetta money will be due, to pay off the balance."

"If you can deliver title," I answered, quoting his words.

Sherman glanced at me.

"W'you mean?" a trifle sharply.

"Sherman, who drew that contract?"

"It's all right—the Vendetta attorneys wrote it, and they signed it. No, I didn't show it to my attorney.

It's none of his business. Powers is a nice fellow, and I like him—but I don't want him to know any more about my business than I want to tell him, and, besides, I know the law. Know more than most lawyers do. The only trouble is, these fellows who fight me don't know the law. That's proved by the way I always win my suits. Understand?"

As a matter of fact, most of his cases were settled out of court, due to an intuitive knowledge on his part of the exact moment at which to bring his business mind into action.

About a week after this Sherman went down to the county seat, and during the day telephoned to me to join him. I found him sitting in the lobby of the hotel, quietly smoking, by himself. We talked awhile on commonplace subjects, and as there was a fair theatrical production in town that night, he invited me to see the play. When we reached the opera house, I found that he had purchased tickets in the gallery, for while he was in many ways the most generous of men, he was in other respects the most miserly individual I ever knew.

We reached the hotel about 11 o'clock. He suggested a light lunch. He was always hungry. So we

crossed the street, and while I ate a sandwich, he gorged himself on corned beef and cabbage, which, he said, was "the cheapest thing on the bill of fare that was filling." How he could do it, and sleep afterward, was a mystery.

He had rented the best room in the hotel for me, with a bath, and a hall bedroom for himself—the lowest price apartment in the house, of course.

Coming into my room, for his was without heat, he threw himself into a rocker, elevated his feet to the dresser, and, after blowing a cloud of smoke toward the ceiling, said:

"The Mexican Venture has been jumped."

"Jumped?"

"That's what I said. That's the reason I sent for you. Fellow located it and sank a new hole, and, just to be funny, has named it Sherman's Dream. Of course," in an injured tone, "that's a slam at me. My location was first. Powers says it's a clear case."

"What do you expect me to do?"

"Damifino. Thought I would have you down here, if anything happened. Well, let's go to bed," saying which he went to his room, and I sat up wondering what devilment his enemies had been plotting, for he

certainly seemed to be in the midst of new trouble. The order for the addition to the mill, which I thought was foolish, as we did not possess the water to operate it, had gone out. This meant more debts, and Sherman was already tied up in a complicated mass of injunctions and restraining orders, of apex, extra-lateral rights and damage suits. He was simply burning money to keep out of the flame himself.

The next morning I visited Powers, while Sherman had a session with the local banker, and when he was not with the financier, he was in the telegraph office. He was a mighty busy man.

"It's like this," said Powers. "Sherman is the victim of a conspiracy, as near as I can figure it out, though it is impossible to prove it. In the first place, there have been no Mexicans in the neighborhood of the Vendetta since history began. In the next place, the fellow who located the claim is in the employ of the Vendetta, and he seems to be spending the greater part of his time in the city. His name is Hunt. He says that Sherman has no legal right to the claim. He has simply located it. It is not an adverse suit. It looks to me like a put-up job of some kind, though I cannot tell until they show their hand. Yesterday, under my

advice, Sherman went up there to resume work, when Hunt appeared, and with a number of Vendetta workmen drove him from the property. Today we filed a suit against Hunt, alleging trespass, and restraining him from interfering with Sherman farther. I think that will settle Mr. Hunt."

But it didn't.

At the last moment he came into court, and through the Vendetta attorneys alleged that the ground was public domain, and that sufficient work had not been done upon it to hold it under the law. When one locates a mining claim, one must sink a hole on a vein showing mineralization, ten feet deep. The hole on the Mexican Venture was only nine feet eleven inches deep.*

So Sherman lost his case—the first real legal setback since the litigation started.

That he was the victim of a plot there seemed to be no doubt—that he could maintain an action on these grounds was doubtful. Powers advised against it.

That afternoon he sat in his attorney's office, his hands shoved deep in his trousers' pockets. As I watched him, his face seemed different from the first

*Fact.

day I had known him. His great nose was finely chiseled, and his long, gaunt features, somehow or other, seemed to have been nobly moulded. There was a sympathetic expression that one did not notice, except through long acquaintance. Powers, cool and calculating, had grown to love this rough specimen of humanity, the victim of so many intrigues. He was a poor, struggling attorney when Sherman found him, in a back room of an out-of-the-way building. The beginning was small. After the first contest, when Powers advised that heavier legal talent be retained, he introduced higher-priced men. Sherman did not murmur at the outrageous bills they rendered—for he had to have them. In settling up he handed Powers, without comment, a check in excess of the largest he had drawn for the outside lawyers, for Powers had charge of the cases, and he believed in giving him the general's fee. Powers tried to tell him that he could save him all the trouble if he would only advise with him in advance, but Sherman's answer was:

"What's the good of a lawyer if you can't get him when you are in trouble? Any damned fool can tell you how to keep out of it. It takes a wise man to get you out, once you are in the quicksands."

All these things came to me as I sat watching him that afternoon, wondering what his next move would be.

"I am going," he said suddenly. "Meet here tonight at seven o'clock." And he stalked from the room.

Having failed at law, it was evident that he now intended to bring his genius to bear. It was a terrible mess, for the machinery for the mill would soon be arriving, and the bills would be due. We were producing practically no ore, and he was heavily indebted to the bank. More of his paper had mysteriously passed into the hands of the Vendetta owners, and they had notified him that they possessed it. He needed more than $100,000 to meet his next payment on the addition to the mill, and he had still other notes out.

Sitting in the office waiting for Sherman, we noticed that the lights were burning in the office of the attorneys of his enemies, and that occasionally a curtain was drawn aside slightly, as some one apparently glanced up the street.

At nine o'clock we were still waiting, when we heard a stealthy footfall in the hallway. Powers picked up a heavy metallic ruler and moved silently across the room. The faltering steps halted in front of our

door, and the attorney tiptoed back to his seat. There came a timid knock.

"Come in!" bawled Powers.

The door opened, and Hunt stepped into the room. Powers was too well trained to utter an exclamation of surprise, but I was thunderstruck. The attorney rose quietly, shook hands with him, and in the manner of understanding perfectly, seated him where he could not be seen from the windows across the street, saying the while:

"We were waiting for you—expect Sherman every minute."

He had hardly spoken the words before we heard Sherman coming noisily up the front steps. Entering the room, he sat down at the table, drew up a desk 'phone and called a number. After a moment he asked:

"Everything all right?"

It must have been, for a moment later Sherman said:

"Very well. Send him down to Powers' office right away."

Then, hanging up the receiver, he turned to the attorney and said:

"Draw up a quit claim deed conveying the Sherman's Dream from Hunt to me, consideration $15,000. A notary will be here in a moment to acknowledge it."

Powers looked hard and long at Sherman. I knew what he wanted to say, but he dared not in Hunt's presence. Then, drawing a blank form of a deed from a drawer, he filled it in and had just finished when the notary appeared. Sherman counted out $15,000 in bills, the signatures were acknowledged, the deed passed to Sherman and a $5 gold piece to the notary.

"Now," said Sherman, "remain here until I return. Back in half an hour."

Wonderingly, we waited. Sherman was evidently taking no chances now, though we were fearful that he was on the verge of another costly blunder. He went out the back way, in the direction from which Hunt came. Ten minutes later the telephone rang and Sherman's voice said:

"Let those fellows out. I'll be down in a few minutes."

Powers unlocked the door, and said:

"Gentlemen, good night."

From the window we observed that Hunt went

directly to the offices of the Vendetta attorneys, across the street.

A few moments later Sherman came lazily up the front stairs, and, entering the room, dropped into a chair, struck a match and lighted a long perfecto—his only real extravagance, for he was a slave to good cigars. Then he tossed to Powers a deed for the Sherman's Dream, indorsed by the County Clerk as having been filed for record at 9:55 that night.

"How do you know," asked Powers, after a critical inspection of the papers and signatures, "but that this claim has already been sold to the other side?"

"It may have been," was the aggravating response, after which he smoked for a few moments, "and I should not be surprised if it had been—but it's not on record in the County Clerk's office, and this deed is. That being the case, it beats me to know where these fellows are going to get off short of $150,000."

For once in his life he had done something thoroughly, and he had not left a loophole for the other side to crawl through. His enemies had been scorched in a fire of their own kindling. He paid Hunt just $14,000 more than they had promised him, and had remained at the end of the hall until he saw him enter

Powers' office. He had previously made the arrangements for an examination of the records and the recording of the instrument that night.

I went up to the Consolidated property the next morning, and Sherman followed a few days later, arriving at supper time. He partook of an enormous meal, and washed it down with a bottle of beer, which made everybody gaze at him in amazement, and wonder what in the world had happened.

Later, in the office, he said:

"Something dropped, down in the county seat, today."

Then he lighted a cigar, and for some reason so far forgot himself as to hand me one.

"Yes, indeed. Something dropped hard. I filed suit against the Vendetta, claiming an apex, damages for ore already extracted from the vein—and, then some."

"You—" I was speechless.

"But you are under option to sell them that claim for $150,000."

"Guess again. You see, they agreed to buy the Mexican Venture for that price—but they knocked the Mexican Venture higher than a kite, and we have

the court's decision on that. I filed suit from the Sherman's Dream, you know—they have no option on that whatever. Sabe?"

I gazed at him speechless. He was the most resourceful man I ever knew.

"They want a settlement with me now—Powers says I am a fool for granting it—that I can force the entire matter on this one point—but I intend to sell them the Sherman's Dream for the amount for which I agreed originally to transfer the Mexican Venture, $150,000, plus $15,000 I was compelled to pay Hunt."

It happened just that way, and the money was paid, with the understanding that it was to apply on a note he owed in the East and which was held by the local bank for collection. After it was over, in that cold tone of his, he said:

"That Mexican Venture was not such a bad one, after all—if it was only one of Sherman's Dreams."

CHAPTER V

The Delusion and the Dog Faced Man

Sherman hung up the 'phone, after a ten-minute talk over the long-distance, lighted a fresh cigar, pushed back his chair, adjusted his feet on the table in a satisfied manner, and squinted across the tips of his boots at Ascension Peak in the distance. I knew he had something on his mind, and a moment later he said:

"I intend to start work Monday morning on the Delusion."

The remark made me sick at heart. This new freak, whatever it was, meant more litigation. He was fighting now to keep his head above water. Hundreds of thousands of dollars in judgments hung over him. He was hounded on all sides by collectors, lawyers and detectives, who dogged his footsteps, in the hope of

finding something they could levy on. The statement that he intended to start work on a new property was astounding, for it meant the expenditure of more money, and the Consolidated was using every dollar he could get. True, we were mining a thin streak of very high-grade ore from the Bonanza vein. I was afraid it would fade downward into low grade, while the people he was fighting, not knowing the exact condition, were fearful that it would mount into sensational values.

Sherman had been in court for more than a week. He had been on the stand the greater part of the time. In response to questions, he frankly told opposing counsel that he had no money. They asked him what he had done with the Consolidated Group, and he told them that he had turned it over to his creditors in trust, the corporation assuming his obligations on the property. He told all this honestly, and no amount of cross-questioning could break him down, for he was telling the truth.

One of them asked him:

"Is it possible for you to borrow any money?"

"I think possibly I could, yes, sir."

"Then why don't you do it, and pay some of these

judgments that are hanging over your head?" he was asked.

"Because I do not care to incur any more indebtedness," came the answer, like a flash.

I have already said that Sherman had a great many enemies. After the trying week on the stand he had fewer. For, through it all, Powers had offered no objection to the course of opposing counsel, asking just enough questions to show that Sherman was the victim of a well-laid conspiracy to encompass his ruin. He brought out the fact that the depressed condition of the several mining sections of the county could be laid at the door of the Vendetta people, and that they intended to hound his client until he had lost his vast possessions. Through it all Sherman was the coolest man in the court-room. A galaxy of the hardest cross-examiners in the state had him in hand, but his story was always the same.

Then came the arguments.

When Powers' turn came, he arose and said:

"Two years ago, your honor, my client was worth more than $1,000,000. Today he is a pauper, according to the investigation of the people who are harass-

ing him, and because of the litigation they have forced him into."

Then he took his seat. The other side argued for hours, but Powers' words struck home. They were meant for the crowd, and they hit the bull's eye.

It was all over, and now he was calmly considering work on a new property.

"You have no money," I said.

"I don't need it," he replied. "Why, there's ore in sight, and I can get out enough in the first week to meet expenses for a month."

"And have the other fellows attach you," I said.

"I won't tell them anything about it, though."

Just the same, the fact that he was about to start work on the Delusion made everybody gape with astonishment. He selected a small force, and took the men to the property. Then the fact leaked out, from some mysterious source, that he had a bond and lease on the mine, calling for the payment of $300,000 within ninety days.

The enormity of the deal made men of money rub their eyes. Work started, and a carload of extremely rich ore was sent to the smelter within a week. The district was afire with excitement, when his old-time

enemies came into court and enjoined him, alleging that he was extracting ore from a vein that apexed in a claim owned by them, just above the Delusion, and known as the Dog Faced Man.

Sherman took me up to look the ground over. It was a clear case. He had been buncoed again. The ore belonged to the Dog Faced Man, and I told him so. Then he sent for Powers, and he confirmed my statement. Powers then went to the records, to find that Sherman's enemies had purchased the Dog Faced Man since he had commenced operations on the Delusion. for the sum of $100,000, and they had so timed their suit that they intercepted his check from the smelter in settlement for the car of ore shipped.

"Can't you file a demurrer, or something," asked Sherman, "to give me more time?"

"It would be ridiculous—you haven't a ghost of a show. You would be laughed out of court. This thing, Sherman, is pitifully spectacular."

He sent Powers to try and effect a consolidation of interests, and failed. Following this, he appeared at the Vendetta office, with the same proposition. He was treated with scant courtesy. It was the last straw, everybody said.

"This venture," they told him, "is typical of your whole life— a delusion."

"I thought of that," he answered, slowly, "but I believe I am taking a more hopeful view of life than you are."

That night, at the mine, he suddenly looked up and said:

"I don't understand it at all."

"Don't understand what?" I asked.

"I don't sabe how a man with his eyes open can transfer, say, one hundred cents from one pocket to the other, and lose eighty of them in the process."

"What do you mean?"

"I mean," slowly, "that this whole thing has been a Delusion—and a snare—but the other fellow dropped into the business end of the snare."

"I may be dense, but I don't follow you."

"So? Now, my friends, our enemies never pleaded guilty to being dense—and they *did* follow me."

"What do you mean?"

"I mean this, old man. I took a bond and lease on the Delusion, with a clause to pay $300,000 in ninety days. I could not do it—I knew that when I signed the lease. The ore in the Delusion belonged to the

Dog Faced Man—I knew that, too, and just as soon as I commenced to produce, they jumped in and purchased the Dog Faced Man and bottled me up."

"What has that to do with the loss of eighty cents on the dollar?"

"Just this. Previous to getting that bond and lease—Oh, a long time ago—I secured an option on the Dog Faced Man, for $20,000. When they paid $100,000 for the property, through the bank, I received $80,000 of the money, for the owner of the claim was tied up in an agreement with me in escrow, and promised me all I could get over $20,000. Well, you know there was a payment due on the Consolidated today of $80,000, and that little transaction just naturally saved me the trouble of raising the money myself. So, in their anxiety to throttle me, they transferred $100,000 from one pocket to the other, and lost $80,000 in the operation. Is it all clear to you now? And, what's more, the claim they bought is worth the money. They are welcome to all they can get out of it—if they can get it."

I gazed at the man in amazement. His resources were beyond calculation. He was fighting the enemy with fire.

"I cannot understand why you should have gone to all the trouble to try to settle with them—to effect a consolidation, and suffer the insults you did."

"Oh, there's nothing mean about me, in a case of this kind. They thought they had me in a trap, and it was my business to encourage them in the belief, for a number of reasons. It afforded me great pleasure, too, to amuse them. If I had not acted that way, they would never have known what the song of victory sounded like, for they had the song all prepared, and were practicing on it, and they felt the thrill that comes over one as he feels he is surmounting all obstacles. I simply did that out of generosity."

"Are you quite sure of that, Sherman?" I asked. "You knew that because of your action, the greater would be their fall, did you not?"

"That," he answered, "was their affair. I make it a point never to interfere with another man's business—especially when it concerns a Dog Faced Man."

CHAPTER VI.

The Master Stroke

We had just stepped from the office to get a breath of fresh air, for the tobacco fumes had nearly stifled us, when Hennessey, the timberman, rushed up and breathlessly announced:

"The Vendetta has been leased!"

"Step into the office," said Sherman.

It was an honor to be invited into his den. In the years at the mine, I do not recall the names of half a dozen men, outside of the superintendents, who were ever invited into the office. Hence, I was surprised at Sherman's course, since Hennessey was an individual to whom he had never addressed a word of conversation. He knew every man by name, but seldom

spoke to one. As Sherman leaned back in his chair, in the glare of the incandescent lights that flanked the room, one seemed to realize that he was no ordinary man. Hennessey was out of place, took off his hat and seemed to feel that his hands and feet were in the way.

"You say the Vendetta has been leased?" Sherman commenced.

"Yes—papers signed today. I thought you would like to know about it. Everybody is talking about it down in the county seat."

"Did you hear who the lessee is?" Sherman asked.

"No. No one knows, except that he's a damned fool. Say, that crowd of pirates has sure caught a sucker, for he agrees to pay 25 per cent. royalty gross on the mill dirt, and the smelting rock pays all the way from 30 to 75 per cent. on the gross—think of it—75 *per cent.*"

"Pretty steep," said Sherman, thoughtfully.

"Steep, is it? Why, the fellow who signed that lease is a lunatic. I thought you would like to know about it, because may be it is because those devils you are fighting are hard up for cash. I know that's it, for the lessee has agreed to double the present working force within six months."

"How do you know that?"

"Because everybody says so, and everybody can't be wrong."

"Suppose he fails?"

"That's where he shows himself to be a damned fool—he has put up a bond of $300,000 to guarantee it."

"Well, well," said Sherman, musingly. Then he relapsed into silence, and Hennessey did not have to be hit with a brick to know that he could depart whenever it suited his convenience.

Just as he was going through the door, Sherman said:

"Smoke, Hennessey?" and passed over a fine perfecto.

I almost dropped dead at this sudden display of liberality. Hennessey took the cigar like a frightened man—thanked Sherman two or three times, and nearly broke his neck stumbling toward the mess house to tell about it. He would have committed murder for Sherman after that.

"W-you think of it?" asked Sherman, after Hennessey had gone.

"You mean the lease? The same as Hennessey."

"About the royalties?"

"Same as Hennessey does."

"I gave you credit for having more sense than Hennessey," said Sherman, sarcastically. "Now, if I asked him that question,I think he would have been a trifle more diplomatic in his reply. For my part, I can't see anything wrong about it."

I glanced up at him, wondering whether he had slipped a cog, or had miraculously commenced to joke.

"You see," he continued, after a moment, "Hennessey told more truth than he thought when he said that the Vendetta gang is in need of money. So is the fellow who got the lease. He needs it more than they do."

"Then why did he sign such an insane agreement? After he pays his bills and royalties, he will find himself in debt."

"Suppose if, in addition to that, he agreed to leave as much ore in sight at the end of each quarter as there is in the mine at the present time, would you consider him sane?"

"I would not."

"Well," slowly, "that is what he has agreed to do."

"How do you know?"

"Because," came the even reply, "I am the lessee."

All of Sherman's interests swam before my eyes. We were fighting for our very existence, and he had made this deal. It meant ruin—there was no other way out of it.

Briefly, the mine had been leased by a company, in which Sherman did not appear, for he was to be the manager, a fact which the Vendetta people were to ascertain the next day.

"Sherman," I said, "if you have been able to furnish a bond of $300,000, for goodness' sake forfeit it, for you will lose less in that manner than by operating the mine."

"I was not aware that I had sought your advice on the subject," he said, drily.

Naturally, when you are bowled over like that, the less you have to say, the better. So I waited.

"I regard this lease," he continued, after a moment, "and particularly the terms, as most favorable. In the first place, it shows that I am confident that I can do precisely what I agree to. You will go over the property with me in the morning. I want your opinion on a certain piece of development work I wish to carry on there."

The next day Sherman explained it all to Powers, who walked the floor and tore his hair like a madman.

"Just think," he cried to me, appealingly, "we need every dollar we can get, and this idiot is diving headlong to the bankruptcy court. Sherman, you are crazy. You have only a bedspring in the place where your brains should be, and a damned poor spring at that."

And then he moaned in anguish. Powers had taken Sherman's trouble to heart—he was growing thin with worry. Finally, he dropped into a chair, exhausted.

"Now, there's no use getting worked up about this thing," he replied, kindly. "I know how you fellows feel, and I know why you feel that way—but, believe me, it is all for the best. My mind works best in single harness. I simply cannot train with others, and I am never given to entering into a conference. You just watch my smoke, and you will see something."

"Witness your financial cremation," snarled Powers, disgusted.

It was the same old story—if he had taken on more trouble it was up to Powers to fight the case in court, and to me to dig the expenses out of the ground not yet tied up in litigation, and I had failed to keep pace

with his downward financial plunge, for nearly $1,000,000 in judgments hung over him.

Then we went up to the Vendetta, and Sherman presented his credentials. There was a scene, but he took possession. The arch enemy of the mine pirates was now, for the first time, within their lines, systematically checking up their wealth, for we immediately began to sample the property.

Ten days later, after Sherman had assumed full charge, and a clean-up had been effected, he paid off the mill hands, and boarded up the windows.

"Here, you can't do that," protested one of the owners, hotly.

"Can't do what?" asked Sherman, innocently.

"You must keep this mill running."

"Not unless I care to."

"Our contract says—"

"I have read the contract very carefully," answered Sherman, "and I see nothing in it that compels me to continue the operation of this mill or any other mill. Read your contract."

They repaired to their attorneys, and Sherman turned his attention to developing the ore bodies of the Vendetta, which were rich, and enormous in size

and strength. He increased his working force steadily, but did not ship a pound of ore to mill or smelter.

Then came the inevitable suit, and Powers, who by this time had worked himself into a frenzy, was taken aside by Sherman. A moment later, his face was all smiles. Whatever it was, the information imparted had acted as a tonic, for the attorney was himself again.

The trial opened, and Powers, arising in his place, moved to dismiss the action. The leasing company, which he represented, had promised to pay a royalty on all ore shipped, but to date it had not shipped any. It had promised to develop the mine, which it was doing, and it had promised and agreed to leave as much ore in the workings at the end of each quarter as was in the mine when the lease was signed. And the company had filed a bond for the faithful performance of all these obligations, since it was the policy of the leasing company to develop, and not to ship, at the present time. Then he spoke on the legal phase, and while the other side stormed and raved, and quoted law from a hundred volumes, Sherman won the case. The action was dismissed.

Sherman had broken down, apparently, the last barrier, and was not only within their house, but had

actually driven them out. He knew to a dollar the value of their ore in sight, and he was making a shrewd guess at their reserve in bank, by their action in suddenly resuming work on the Dog Faced Man, though they were already in litigation with the owner of the Delusion. It was the boldest piece of enterprise I had ever heard of. It made me tremble at the thought.

"Has he the money to carry it through?" asked Powers.

"I don't know," I replied. "I know nothing of his resources."

"If he would only talk," said Powers, "we could help him. But he comes to us *after* he has put his foot in it."

Later, I went to Powers' office with Sherman, to find the lawyer trembling with excitement.

"The Vendetta people and their attorneys are so completely upset that they forgot to appear in court this afternoon at two o'clock to prosecute their suit against us in the Alligator-Treasure case or to answer us in our suit for damages for ore extracted, and I took judgment by default."

There was a gleam in Sherman's eye.

"That means?"

"That you may resume work on the Treasure whenever you want to. Of course, a judgment may usually be opened again. The whole outfit is on the way to the state capital. Now, Sherman, get out all the ore you can, for when they discover their lapse they will tie you up again."

I called up the mine at once, and gave Larsen instructions to start the pumps on the Treasure, and crowd the men on the ore as fast as the various levels were recovered, while Sherman went out and retained every lawyer in the small place.

I arrived at the Consolidated property at midnight, to find that Larsen had recovered the first level, and was forcing the work. The pumps beat with steady rhythm. The compressor was so heavily overloaded that a stream of water was playing on it to keep it cool. The trammers were working like Trojans, the engineer was straining every nerve, and a force of men was engaged in transferring the big sinker pump from the new shaft to the Treasure, to hurry the work of unwatering the mine. Fifteen machines were pounding in the ore body.

It was a noisy battle. The men did not know the reason. All they knew was that Sherman needed

money, and all he could get out of the ground in the shortest possible time, and while he had not spoken to a dozen men about the place, they all revered him.

The lower levels were richer than the upper reaches of the property, and the miners entered them dressed in rubber, as soon as it was possible to put up their machines. By eight o'clock the next morning we had raised 100 tons of ore, and now that we were getting to the deeper portions of the mine, the production increased, but because of the fact that the workings were larger, the task of unwatering was necessarily slower.

We were "gutting" the vein of the high grade streak.

The next night at six o'clock Larsen was still on duty—he would not go to bed. Ainsworth, the mill man, was on his way to the smelter with six cars of ore. We were fighting hard, for the other side had heard of their lapse, and, we learned, were returning by special train. They wired different attorneys in the county seat to take some action in their behalf, but Sherman's forethought in adding every lawyer in town to his staff estopped them in that direction.

We called up on the long-distance every hour to ascertain where the train was. The closer it

approached the county seat, the harder the men worked—and then Hennessey, who seemed to be agitated about something, suddenly resigned.

Everybody swore at him, called him a traitor, and if it had not been for the fact that the business in hand was of such a serious character, he would have had to fight the crowd. He disappeared down the hill on the tram.

It was Saturday afternoon, and the special was racing to reach the county seat, for word had been sent ahead, and the Judge indicated that he would hear their side in chambers that evening. The train, which was due at seven P. M., did not arrive on time. The hours dragged slowly. At 1 o'clock Sunday morning it came in, and nothing could be done until Monday morning. It seemed that the special was held at a small station that closed at six P. M. until the passage of an ore train bound to the smelter in the valley. With strange irony, it was a train bearing Sherman's ore. Another curious circumstance was the fact that the ore train was held up nearly six hours at a flag station, to repair some defect in the engine.

Years afterward I learned that Hennessey, an ex-locomotive engineer who had deserted the cab to pros-

pect, had told the engineer of an out-going ore train that his wife was sick and offered to make his "run." Receiving orders at the county seat to pass the special at a certain point down the road, he had deliberately stopped half-way down, and spent something like six hours going over his engine, which, he declared, was out of order.

Sunday night he returned to work. Sherman was absent.

Monday I stepped into the office to hear Larsen say over the 'phone:

"I tank not. You bedder send mon up. Meester Sherman, he not here. No, I tank not," and he hung up the 'phone.

The Vendetta attorneys had obtained an injunction and tried to get the big Swede to accept service, but he convinced them that he was too dense to understand. So a deputy sheriff started up the gulch on a special light engine. When he stepped off the cab, he made straight for the Consolidated mill, seeing which, Hennessey jumped one of the descending tram buckets and was soon swinging dizzily over the gulch. He reached the lower terminal before the deputy did, where he explained, the tender afterward told me, in most pictur-

Hennessey jumped one of the descending tram buckets and was soon swinging dizzily over the gulch.

esque and profane language, that it was contrary to rule to ride the tram—that it was dangerous—and he was there to see that no one endangered his life by disobeying the order. The deputy stormed and threatened, but Hennessey stood his ground, smiling—and aching for a fight.

The deputy, therefore, had to reach the mine via Trail, which would take two hours horseback.

No sooner had he left the mill than Hennessey jumped to the 'phone, and, calling up Horrigan, the livery man, ordered him to hold all the available horses, pack animals and the like subject to his order. Horrigan did not know what was up, but from Hennessey's excited tone, he knew there was something in the wind. When the deputy reached the stable, he discovered that it was impossible to get a mount in the town. So he started to climb the Trail afoot, and that meant that he would not reach the shaft house before nine o'clock that night.

After he was well on his way, Hennessey returned on the tram in twelve minutes, and "squared" himself for his prior desertion by telling what he had done. That night, just before the deputy arrived to serve his papers, we drew the fires, pulled the pumps, and the

mine commenced to fill with water. The plant was idle and the steam and air lines disconnected when he arrived.

The last bucket had gone down on the tram before the deputy reached us. We had all learned something, by reason of the interminable litigation that had surged about us.

During the time we had operated the mine we had taken out $180,000 worth of ore, at a cost of about $10,000, and this was on the way to the smelter, in the name of the trustees of the mine.

We were all standing on the dump, tired out, but proud of the work performed, when we heard some one slipping on the slide rock above us, and a moment later Sherman stood in our midst.

"Where have you been?" I asked.

"Up the creek, hunting whales," was his reply.

"An' ye hunted until ye heard the machinery stop," cried Hennessey, and then he thumped Sherman on the back so hard that he nearly knocked him down. We were all amazed, but, turning to the man, quietly, Sherman said:

"Come into the office, Hennessey, and have a cigar."

CHAPTER VII.

An Underground Railroad

With the regularity of clockwork, the streak of smelting ore in the Bonanza workings was yielding a carload of high grade a week. This, with the amount we had taken from the Treasure shaft during the lapse when we operated it under pressure, enabled Sherman to continue work at the Vendetta, for he had borrowed money from his Eastern friends who were holding the Consolidated Group in trust. Sherman had guaranteed the Vendetta Leasing and Development Company against any loss, and this he lived up to by giving his note to the trustee corporation, and try as they would to reach him, the attorneys for the other side were unable to do so.

His enemies were now hard pressed—they were

really worse off than he was. He was fighting keen men, who had been squeezed a dozen times before, and who had always come out victorious. They had a coterie of friends, upon whom they were calling for assistance. They were bold, and never hesitated at enterprise, and, coupled with their natural commercial instinct, they were piratical in their tendencies, licensed bandits who operated under cover of the law. It was a hard combination to combat. Every man who had tried it in the past had been ruined. Every compact formed against them had been reduced to bankruptcy. Every corporation that stood in their path had been engulfed in an ocean of misfortune, and families had been carried down from a plane of refinement to the level of paupers, because of the machinations of this gang of corporate highwaymen, in order to warn others not to stand in their way. Against this power, wealth, influence, bribery, intimidation, threats and business sagacity, there was now matched the genius of a single man, rough, honest, fearless—a forlorn, melancholy person, who hesitated at nothing that was honorable, who detested and spurned anything that was questionable, and who was fighting simply for his rights, and no more.

The struggle had extended from months into years, and between the conflicting interests the prosperity of the district was threatened. Credits in many lines were withdrawn mysteriously, and friends of Sherman suddenly found themselves embarrassed. The influence was exerted by the Vendetta people—the fault was laid at Sherman's door. His enemies increased as the difficulties of the people multiplied, and gradually sentiment was crystallizing against him.

We were now a little more than holding our own, and would probably continue to do so, unless Sherman made a false move. When he blundered, the cost usually ran into six figures.

The ore bodies developed in the Great Bonanza were enormous, but Sherman had no water to turn the mill. It was through their control of the water that his enemies hoped to conquer him.

If we pumped from the Treasure shaft, we could, by piping it down to the mill, obtain sufficient to run one side of it—but that would permit the engineers to make the ground survey under order of court. Sherman would not consent to that. Not that he had anything to fear as a result, but his action led the other side to belive that he was concealing something, and

they were trying to force his hand, spending thousands of dollars to force him to reveal a condition that would spell their ruin. Why Sherman assumed the attitude he did, we could not understand.

We were talking in the office one day, when he pointed to a curious formation of rock far up on the mountain, for all the world like an extinct dodo.

"When I first came to the district, years ago," he said, "I located a claim up there, and called it the Big Dodo. Sank a hole, but the water ran in so fast I had to stop work. If we had that water we could run the mill. Sometimes I have thought of installing a pump up there and going to work. Good ore there."

"The trouble, Sherman," I said, "is that it would cost too much to get supplies up to that point. The dyke, on which the Big Dodo is located, is doubtless the one along which the major portion of the water in this hill flows, and it probably feeds all of these veins—"

"The very thing!" he cried. "It's patent that we cannot mine from the surface. So we must get under the hill. We will drive a tunnel to tap the vein from which the water flows, and get a supply to operate the mill."

"The cost?"

"Never mind the cost—that's my business. Get out the surveyors, and start the bore from the Wedge fraction just above the mill."

"You can never get a right of way through the hill, for after you are in twenty feet you will run into ground owned by the common enemy. You must get easement for your tunnel—"

"I understand all that—but this case is different."

The next day we started the tunnel, and after it had been driven close to the ground of the adjoining claim M'Cracken appeared to ascertain whether or not we were trespassing. He wanted to know whether he could enter and examine.

"You may," answered Sherman, "but I can tell you now that we will enter your ground tomorrow."

M'Cracken thanked him, warned him not to trespass, and departed.

This was the time to have temporized, it seemed to me. Sherman said "No."

"This is the time," he explained, "to show them a thing or two. Just keep your advice to yourself, and your eyes wide open, and you will see things that will give these fellows a nightmare."

He was served with more papers—but he explained that he had nothing to do with any mining company that was driving a tunnel. He was the general manager, he said, of a railroad company, organized to bore a tunnel through the mountain, to afford transportation to any and all mines desiring to utilize the tracks, and he forthwith commenced condemnation proceedings—and won his point, in behalf of the Bonanza Railway & Transportation Company.

Six months later the breast of the tunnel reached a great barren vein, and a flow of water was tapped. It was conducted from the portal of the bore to the mill in a wooden flume—enough to permit the handling of twenty-five tons of ore daily. A few months more, and another water course was cut. Within a year or so we had sufficient water to run the mill full blast.

The Consolidated Company was on a paying basis.

Sherman was borrowing money from the company and settling his debts. Soon everything was paid except the note for $150,000 held by his enemies—he refused to borrow to pay that. Work on the Vendetta proceeded steadily. Richer ore was opened, but not a ton was shipped—his enemies were growing poorer and poorer. The district began to share in the pros-

perity of the Consolidated Group. There were daily conferences in an attempt to settle the difference, and one day we heard that his enemies owed $150,000 to a bank in the East. When Sherman learned that he wrote a long letter to an Eastern city, and in three weeks he laid on the table in the Consolidated office his enemies' notes, several months overdue, for $150,000.

"This is no Delusion, either," he said, sententiously.

The next morning Powers was at the mine. Sherman explained, and Powers stuck his thumbs in the arm holes of his vest, and strutted about like a bantam, repeating:

"Oh, I guess not."

"Now, Powers," said Sherman, "I do not wish to witness their misery. You will trade notes with them —this note for mine, on even terms."

"But, Sherman," said Powers, "this note is secured by the Vendetta property—you can take the mine from them bag and baggage. If they had you in the same hole, they—"

"Never mind what they would do—I am not governed by their actions. I don't want their mine. I only want what belongs to me. I am not a Shylock. Trade the notes."

Within twenty-four hours the exchange had been effected, and not a cloud marred Sherman's financial sky.

The Treasure and the Alligator, and the claims that intersected the Great Bonanza, were still tied up—but so was the Vendetta, and as Sherman's lease ran for twenty years, and he now had an abundance of money, it seemed that he had the best of the argument.

I mentioned this to him, and asked him if he had any definite plan.

"I have," he replied.

"May I ask what you intend to do?"

"You may."

"What?"

"They have cooked up a hell broth for me, and I intend to make them swallow their own medicine."

CHAPTER VIII.

Jumping the Golden Moon

"I can get half a million dollars for the Fortune Dike within 30 days—and I need the money," said Sherman.

I had never heard of the property, much less its worth, and I said so.

"Of course not. It has not been located yet. But it will be tonight."

It was the last day of the year, and a mighty cold one. The sky was changing from steely blue to a yellowish, leaden color, that promised a heavy fall of snow.

All the men about the mine who were not working, or sleeping, were busy oiling "digging shoes" for mysterious pilgrimages in the evening.

"You remember the Golden Moon, don't you?" asked Sherman. "Well, it belongs to old man Corson.

Had a fellow up to look at it about three months ago, and he offered me that sum for it, providing I could deliver it by February 1."

"But you don't own it—"

"I am aware of that. As I was saying, the property belongs to Corson—or will until midnight—then it will be mine, for I intend to change the name to the Fortune Dike. Understand?"

When you locate a mining claim the law requires you to sink a hole on a mineral-bearing vein, not less than ten feet deep. That constitutes your assessment work, and it holds good until the midnight of December 31 following. After that you must do $100 worth of work annually before the whistles announce the birth of a new year. When you have done $500 of work, you may acquire a patent—if you don't, you must continue the assessment work until you do. If you fail, you give notice to the world that you have abandoned the claim.

Corson was a poor old miner, who had been injured a few years before. He had a large family and was in debt to pretty nearly everybody. He had been unable to do the work this year, and Sherman was calmly calculating to "jump" his claim.

"You could buy the old fellow out for a few thousand," I said, "and do the work. The claim is supposed to be valuable—there will be dozens of others on the ground—possibly a little argument with shooting irons."

"Yes, and I can save the couple of thousand by locating it myself. And there will not be any shooting. No blood shed. I don't fight that way. That claim belongs to me—or will tomorrow, January 1. Is that plain? Glad you understand. Awful lonely trip up there—so I'm going to take you along, for company."

Pleasant prospect, this matter of going out to jump a claim, and possibly have your skin cultivated with bullets. It was Sherman's method—throw away a small fortune on litigation—and deny it to some worthy old man like Corson—but he excused himself on the ground that Corson's condition was none of his business. He provided handsomely for men injured in his employ, and he could not afford to worry about others.

Shortly after five o'clock we "hit" the trail for town, where we were to get a buckboard for the trip, for this property was located up at the Forks. When we reached the village, I discovered that in his loose way of doing business, that he had actually failed to arrange

for a team. He took it for granted that there would be no trouble in renting one—as though he was the only man on earth who intended to go out on a claim-jumping expedition on the last night of the year.

"Pay you double price for a team," he said to the liveryman.

That individual laughed.

"If anybody could get a team here, Sherman, you are the man, for you pay me a lot of money during the course of a month for burros and the like—but every team I have is rented—and has been for six weeks."

Sherman's jaws set. Stepping into the half-heated, poorly-ventilated room, which served as an office, he sat and waited. As the men who had hired animals came in, Sherman tried to dicker with them. He finally gave one man $2,000 for the right to a span of big Missouri mules and a light buckboard. The news that he had paid so much spread over the town like wildfire. It presaged trouble. It meant that half the population would follow us, if it could obtain conveyances. But he was not satisfied. He rented two more monster mules, and had them harnessed. Then he hired as driver a man who had handled the ribbons on the stage before the railway had pushed up from the

county seat. We piled into the wagon, the driver in the middle.

"Where?" asked the ex-stage man.

"Up the gulch."

Three or four horsemen hung on our wheel, and a string of vehicles stretched out behind us. We certainly had lots of company. The snow was very deep— and after an hour the rigs began to lag—and some of the saddle animals were showing signs of weariness, but those four Missouri mules had to be shown. They pulled along as though they were in a habit of stepping through snow hock deep. As we followed the winding river road, the snow grew deeper, for the highway was less traveled. The country became more rugged, and after a time only two horsemen remained with us.

"How long will it be before these animals wear out those saddlers?" he asked.

A critical glance, and Simpson, the driver, said:

"They can last as long as these mules, old man."

"Stop the team."

When the mounted men came up, Sherman asked:

"You fellows want some work? If you do, I have a job for you."

"We were going up in the hills to locate a claim, and——"

"I know—but I saw it first. I want you fellows to carry a message for me—one of you to the mine—the other to Horrigan." Horrigan was the liveryman. "I'll pay $1,000 each."

Sherman's word was as good as gold. The men hesitated a moment. If Sherman placed the price at $1,000, it was all he would pay—there was no use trying to raise. They agreed.

"You," to one of the horsemen, "go to town and telephone Larson, at the mine, that I will be back in the morning. You," to the other man, "tell Horrigan that I shall want this team all day tomorrow."

They turned, and we continued upward, just as the snow began to descend from out of those leaden clouds. It came down faster, and soon it was difficult to see more than a hundred feet ahead. Suddenly the driver pointed at the road. There were wagon tracks ahead, which the fresh falling snow had not yet covered. Sherman's eye took on that cold expression one notes when he is hard pressed. He glanced at the driver and then asked:

"Can these animals stand more speed?"

"Those tracks are only an hour old—how much farther must we go? Eight miles? Leave it to me."

The animals were not crowded. We were moving along at the same rate we had been for the past hour, and the new snow was rapidly filling in the tracks, it seemed to me, but the driver insisted that we were steadily gaining. Another hour, we came to a blanketed team, tied to a fallen tree.

"They couldn't go any further," ventured Simpson.

Our mules plodded along, but they were beginning to breathe heavily. After a while, we noticed partly covered footprints in the snow—the tracks of the men who had abandoned the team we had passed. This continued for a long time. Now the driver was using the whip. Finally, when the animals were in snow to their bellies, and the dashboard was bent by contact with the half icy particles, the mules stopped.

"It's all off," announced Simpson, turning to Sherman for orders.

"We'll walk," he said. "You stay here with the animals."

"Not on your life. I don't have to come here to stay with animals. I can do that in town. I've enlisted for this night, and I'm going to see you through. You

may need me," and he tapped his coat pocket significantly.

"W-you got there?" demanded Sherman.

The fellow pulled out about the ugliest-looking long-barrel revolver I ever saw in my life. Sherman's eyes narrowed.

"Look here, Sherman," said Simpson, speaking rapidly. "I never spoke to you before in my life until tonight. I have been one of those down in town who have cussed you for all that is out, but since this trip I'd go anywhere with you. There's trouble brewing ahead—I'm in your service tonight, and I'll make it go hard with the man who harms you."

"No man will harm me," he answered slowly, "for I have harmed no one—you can come—but on condition that you put up that gun—and don't use it—unless I tell you to."

"It's a go."

Then we commenced to plod through the snow, up to our waists. The driver was ahead. Soon he was exhausted. Sherman took the lead, then I took a turn. Eight or ten feet, and we would have to stop for a breathing spell, when——

"Good evening, gentlemen."

We were looking along the barrels of three revolvers. We had overtaken the party ahead of us and they had the "drop." The driver's eye seemed to take in all men together. Sherman glanced and said quietly:

"You are not to get into action under any circumstances. We will settle this peaceably. What can I do for you, gentlemen?" addressing the men ahead of us. His tone was very even.

"Well, if it's just the same to you, we would rather have you turn back."

"I thought of that," drawled Sherman, "but fact of the matter is, I have urgent business ahead."

"You are going to Corson's property."

"I am going to locate it—yes, sir."

"You are not."

"No?" asked Sherman as though surprised. "Why?"

"Because we will prevent it."

"How?"

"By force of arms."

Then they parleyed. It was decided after a moment that Sherman should locate the claim, and they were to be partners, he to guarantee them not less than $10,000 each for their share, within 30 days. This thing of jumping old man Corson's claim was coming

pretty high. We started again, when one of the party who had stopped us ejaculated:

"Well, I'll be damned!"

"What's the matter?" asked Sherman.

"Some one's ahead of us."

We were on a sheltered portion of the trail now, and there, in front of us, was the track of some one who had gone before. It must have been hours previous, for the footprints in the snow were covered, except at this point. We commenced to push upward again. The mine whistles announced the birth of a new year. We plunged on, for the dinky little shed that served as Corson's blacksmith shop was outlined against the sky now.

After twenty minutes more we stood on the dump, and there, in front of us, was a new monument of rocks, six inches higher than the required four feet, and in a tightly closed tin can, protected from the weather, a location notice, showing that the property was claimed by E. Corson.

"Who the 'ell is E. Corson?"

We glanced at each other; we had been outwitted. Then we started for the blacksmith shop, when the driver stumbled over something.

"Great God!" he cried, and lifted up out of the snow the slender form of Ethel Corson, the eldest daughter of the man whose claim we had tried so hard to get.

We glanced at each other. Right there, on that mine dump, nearly 12,000 feet above the level of the sea, every man among us looked mighty sheepish. I know how I felt, and Simpson said afterward that he felt as though he was robbing a grave. Simpson carried her into the blacksmith shop, where a fire was built, for she was nearly frozen. Sherman took the driver aside, spoke to him in low tones a moment, and then, taking off his great shabby overcoat, handed it to him, turned and disappeared into the snowstorm.

When that young woman returned to consciousness she was nearly frightened to death, I guess, at the sight of five men, who must have looked like a lot of bandits.

"Oh," she said, appealingly, "you would not take my father's claim? It is all we have. He is crippled and nearly blind—there are so many of us, and we are so poor. We——"

And then that fool Simpson blubbered out like a child, and—well, I guess we all forgot we were grown-up men.

"Never mind, little girl," Simpson said, "they ain't nobody going to get this here claim from you. One of you fellows go out and get that location notice."

It was done, and we all signed it as witnesses to the fact that Ethel Corson had legally located the ground, which she had renamed the Reindeer. Then Simpson wrapped her up in Sherman's thick coat, and, picking her up like a child, stumbled over the trail. It took a long time, but at last we reached the team, and started down the river, arriving at Corson's house in town shortly after eight o'clock in the morning. Santa Claus, who had been unable to find the place Christmas night, must have paid it an early New Year's morning visit, for there were enough groceries and supplies piled up in the little log hut to stock a family for weeks, and everybody, even the crippled old man, seemed to be in the best of humor and tearfully happy. After a few moments, during which the girl thanked Simpson for his kindness, which was added to in a vacant manner by the family, we withdrew.

That afternoon I reached the mine, more dead than alive, to find Sherman presiding over a fat turkey, which I helped him to devour.

One day, about a month later, when the mail came

"Never mind, little girl," Simpson said, "they ain't nobody going to get this here claim

in, there was a long letter bearing the return of a bank in the county seat. It was rather a bulky missive, which Sherman held up and said:

"Know what's in that envelope?"

"No," I answered; "I'm not gifted with second sight."

"That," said Sherman, "is a deed to the Reindeer."

He broke the seal and tossed the envelope over to me. It contained a deed for the claim, signed by Ethel Corson, to a person whose name I never heard before, for a consideration of $500,000.

With the papers was a note from the bank, to the effect that old man Corson had paid to Sherman's credit all the money he had expended on that stormy December night, with one year's interest at eight per cent. in advance. This consisted of the money he had paid for the team and to the two horsemen for turning back.

The girl had fairly won the prize. A few days later the Corson's moved away.

It was not until after Sherman's death that I got all the details, and then they came from Simpson, who told me that in the few moments Sherman talked to him on the Reindeer dump he told him to carry the

girl to her father, "get her there if you have to kill the mules," he had said.

Sherman himself took a short cut to the gulch by risking his life down the side of a mountain that no man had ever attempted before or has dared to since. He aroused the grocer and bought those provisions, and then he saw old man Corson, told him what had happened, explained the price he was to get and arranged the deal. Corson wanted to pay $10,000 each to the three men who had stopped us. No; Sherman would not allow that.

"That was only in case I got the claim," he explained; "and—I was too slow."

He made the old man promise to move East, quit mining, buy government bonds and place his children in school—and give half the money to the girl. We never heard of them again.

To Simpson he gave out of his own pocket $5,000—and at a moment when his stock of money was at the lowest ebb I had ever known it to be.

Afterward Sherman was sued by the three men who had stopped us in the trail, for $10,000 each, but he wore them out in the courts.

CHAPTER IX.

The Man Eater

Sherman was outputting 250 tons of mill dirt daily, and in consequence of such a great quantity of low grade coming from the mine, we were sending to the smelter a larger amount of smelting rock. He was on a profitable basis, while his enemies were closed down, and by reason of the vice-like grip he held on the Vendetta, he was slowly forcing them to the wall.

They tried to compromise, but he would not listen. They had forced the owner of the Delusion to consolidate with them, in order that they might mine the rich ore from the Dog Faced Man.

"Before you come to terms with these people," Sherman had told him, "see me. No matter what kind of a proposition they make you, I will go them one better. But I must see theirs in black and white, that's the way they deal when it comes to handling property."

Now the man had signed an agreement to work in harmony with Sherman's enemies, and to use a portion of his share of the revenue to fight Sherman with.

There was great indignation because of this, for everybody knew that Sherman had loaned him money to clear the mortgage on his home at a time when he was badly involved, and could illy afford it, and without the formality of a note. The loan had never been repaid.

Hennessey, who had developed into a rumor factory, brought the news up from the county seat one night. He was fighting mad, and while attempting to explain to Sherman, he was cut off with the remark:

"I know all about it—I have known it for three days."

That night a deputy sheriff rode up the Trail, and served more papers on Sherman, alleging damages because of the prolonged shut-down, and suing for the value of the ore they might have taken out.

"This suit," said Sherman, "is simply a blind, to occupy my mind at a time when they propose to work the Delusion and the Dog Faced Man. They do not know what I might do."

The next day another suit was filed, asking him to commence producing ore from the Vendetta, and alleging that he was seeking to encompass the ruin of the owners.

It looked to me as though they had made a good point, and I said so.

"Looks are frequently deceiving," was the dry response. "I am not trying to ruin them. I am trying to obtain my rights in the only manner possible. Keep your eye on me, and you will see the wheels go round."

The next morning he walked across the dining room to where Hennessey was sitting, and said:

"I have decided to start work on the Man Eater, and you are to be superintendent. Come into the office."

Hennessey was dumbfounded. So was everybody.

The Man Eater was a claim that lay above the Dog Faced Man, and Hennessey took possession before noon. Along toward night word reached us that he had thrashed one of the owners of the Vendetta for making fun of Sherman. We had a fire-eater in charge of the Man Eater.

The Man Eater vein was a split from that of the Dog Faced Man. Sherman claimed an apex, and like-

wise brought suit to set aside the consolidation of the Delusion and the Dog Faced Man, on account of his previous oral agreement, and the two claims were enjoined from working. Sherman had effectually backfired his enemies.

While Sherman was filing these suits, Hennessey dressed down one of the Vendetta attorneys, who went up to protest, and then he announced that he would whip any man who bothered him, or, "If I just *think* he is going to bother me," he concluded.

This was rather wide latitude, for the Irishman seemed to have set up a dictatorship in that neighborhood. They came into court and charged him with assault and battery, and intent to do great bodily harm, and asked that he be placed under bonds to keep the peace. On the strength of that he whipped one of their foremen. Things were getting serious now, and Sherman was charged with attempting, through Hennessey and a "gang of thugs," to incite riot.

Sherman disclaimed all knowledge of Hennessey's acts—in fact, he deplored them.

"I do not approve of violence. Never struck a man in my life. This man Hennessey is guilty. Fine him. I will pay the fine, not because I indorse him, but be-

cause I, as his employer, am responsible for his actions, a curious position, to be sure, but a fact, nevertheless."

Hennessey was fined $1,000 and sentenced to ninety days in the county jail. Sentence was suspended during good behavior, and in addition he was placed under bonds of $5,000 to keep the peace.

"I adopt this method," said the Court, "because by it you are more likely to obey this order."

It was a fact. Hennessey's hands were tied, but his tongue was unbridled.

Sherman was in court pretty much all of the time now, but because he had nothing to conceal he came out unscathed. Every employe of the Consolidated Company was brought into court, to ascertain whether they knew anything of Sherman's motive, but all said that he had never discussed his plans with them.

In the meantime other suits were filed—the tangled mass of litigation nearly drove all to distraction, except Sherman, who was as serene as ever.

Hennessey, in trying to prove up the Apex case of the Man Eater, was making some costly blunders, and I protested, but Sherman said he was doing no worse than the other side had done.

One day, in court, just as it seemed that Sherman

would get a decision, by asking that the Treasure-Alligator case be dismissed, his attorneys suddenly began to object and obstruct. This change of tactics was a surprise, and court adjourned for the term.

In Powers' office, afterward, one of the outside lawyers asked:

"Why did you make us do that? We could have obtained the decision. Those fellows have no case."

"I know that, too. That is the reason I wanted you to object. They will think we have overlooked something. Hunting for that loophole will keep them busier than searching for a needle on a hay ranch. In the meantime, I shall be satisfied."

Hennessey was still blundering on the Man Eater.

"These people will charge that you have instructed Hennessey to act that way purposely," I said one day.

"In court, you mean?"

"Yes."

"No. This case will never go to court again, except to be dismissed. That will happen before the snow flies. After they fail to find what they have been hunting for, they will realize their position. Then we shall have peace—on my terms, which will be just. That is all I want."

The months dragged along, and one day the camp was thrilled by the announcement that the cases had been dismissed. That night steam was raised at the Vendetta mill, and Powers called me up to instruct me to start the pumps in the Treasure shaft, a duty that Sherman, with a fine sense of honor, had delegated to him.

"Just to think," Sherman said that evening in the office, "of all the trouble those fellows could have saved themselves."

I was burning with curiosity.

"How did you settle with them, Sherman?"

"They deed me all the claims that intersect the Great Bonanza, and which they led me to believe I was buying in the first place. In addition, they reimburse me for all the money I have expended on the Vendetta. As they have no money, I accept bonds for the amount, something less than $200,000—but we call it $200,000 for good measure. The bank purchases the bonds. They deed me the Dog Faced Man. The owner of the Delusion gives me seven-tenths interest in his claim, and I agreed to purchase his three-tenths for $30,000. Paid the money. I have sold that group, including the Man Eater, for a little matter of $250,000

—to the Vendetta people. They give bonds—the bank takes those bonds off my hands also. All litigation is wiped out. Everything is harmonious—now."

He watched the smoke curl upward from his cigar, and then said:

"It was all due to the Man Eater, however. I bought that claim the day after they commenced to harass me from the Alligator, for I felt that they would attack me from all sides. Then I made the deal with the Delusion—just as a safeguard, in case I was forced to realize a large sum of money suddenly."

I gazed at him in astonishment. While we thought he was blundering, he was methodically following a carefully-laid plan.

He looked at me in amusement for a moment, and then said, quietly:

"I am not so green as I look—if an occasional cow does take my trail."

CHAPTER X.

Sherman's Tragic Death

With litigation on the Consolidated ended, the rich ore measures of the Treasure, where it intersected the Great Bonanza, were developed. The magnitude of the wealth of that deposit was appalling. As the shaft went deeper, the grade of the ore was lower, but the width was steadily increasing, and, because of the expense of pumping, we drove the tunnel to undercut the vein, and drain it. This resulted in a great saving, and in addition afforded ventilation for the mines, for prior to that we employed blowing engines to send air down into the property. The bore also furnished an avenue through which to transport considerable of the ore to the mill.

Sherman's policy was now to develop, and while he did not say so, from the number of letters that passed to and from a foreign city, I fancied that he was about to sell the mine.

One day a corps of engineers appeared, but no intimation of their purpose was to be given. Sherman called Hennessey aside, and told him that these men were here to ascertain whether the lower grades of ore in the mine could be treated, and if so, an addition was to be built to the mill. This was a fact, but he did not tell all.

"This," said Sherman, "is between you and me, Hennessey. I would not tell all I know to the others. They talk too much."

"Sure, I am as dumb as a clam."

Within an hour he had told it to the cook, the cook repeated it, with embellishments, to one of the trammers, and he, in turn, to one of the shift bosses. By noon it was repeated at the mill, and that night it reached the county seat in the shape of a positive statement that a plant that would treat 1,000 tons of ore daily was to be erected at once. That evening Hennessey imparted the story to me under pledge of secrecy, stating that he had received it "straight" from a man who knew.

The next day he would go on the stand and swear to it, for he believed that the story he had unconsciously scattered was the truth.

Finally everything checked out, the deal had been completed, and the money paid. The mine was to be turned over to the new owners the next day.

We were all sitting in front of the office, smoking, when Sherman said:

"Some one has been stealing high grade from that cross lead on the tunnel level, and I placed Hennessey at the mouth of the tunnel to prevent anybody from going in there, until the property is formally turned over. We encountered the ore this evening."

A few moments later he arose, and said:

"Believe I will go down and see him—tell him if anybody does appear, not to lose his temper, or do anything rash."

"I tank I go, too," said Larsen, rising. I wanted to accompany him, but he said "No," and motioned Larsen to his seat.

"I will go alone," and a moment later he was on the Trail.

"Better go down through the shaft,"I shouted.

"This is all right. I'll be back shortly." A moment later his form became a shadow and then blended with the moonlight.

We were listening to one of the foreign engineers telling a story of South Africa, when we were startled

by a shot, and we all sprang up, trying to locate the direction from which the sound came. A moment later the office telephone bell rang violently. The mine was connected by a telephone system, and we maintained our own "central." The continuous ringing was from the mouth of the tunnel.

"Sherman has been shot!" was the cry that went up.

"Sherman has been shot!" echoed through the mine.

In an instant pandemonium reigned.

We rushed to the shaft house, and as many as possible crowded on the cage, and were dropped to the tunnel level. Men deserted their work in the mine. The top men were going down the ladders, the trammers, single jackers and machine men were literally falling down the manway, and each drift was pouring men out into the main working way. The cages and pump men, everybody except the man at the hoisting engine, ceased to work. The alarm spread to the bunk house, and soon 250 angry miners were swarming down the mountainside to the portal of the tunnel.

The telephone operator remained at his post. He called up all the local doctors and told them to come up on the tram—Sherman had been shot. Then he

called up Powers, and told him to bring up three doctors from the county seat, celebrated surgeons who were visiting there and whom the local physicians had recommended. Then he called up the dispatcher and arranged to have an engine detached from an outgoing ore train, and coupled to a day coach, to bring the surgeons to the mine. Within twenty minutes the little narrow gauge engine commenced its race with death.

Hordes of men, mad with excitement, were rushing pellmell through the tunnel. Some were armed with pieces of drill steel, some with hammers, all with something, when we saw a light, and met Hennessey carrying Sherman in his arms. There was a small stain of blood on his shirt front. He was very white.

"Nothing much," he said, faintly. "Just a little accident.

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Never did old man Crandell handle the hoisting engine more carefully than he did that night, when he raised us through 1,200 feet of shaft, with Sherman.

A physician was waiting for us as the cage came through the collar, while the place was filled with awe-stricken men, who silently watched us carry Sherman out, across the dump, to the bedroom adjoining his office. While he had not uttered a sound of complaint,

it was plain that he was suffering greatly, and one of the physicians administered morphine.

Hennessey laid him on the bed, and turned to leave, when Sherman said:

"Wait, Hennessey—don't leave the room until I tell you to."

The doctors were now disrobing him, to ascertain the extent of his injury, and we stepped out onto the porch. As we did so, we heard the barking of the locomotive, bringing the visiting surgeons, in the gulch below. Occasionally it whistled, signaling to us across the silence of the soft moonlight.

After a time, one of the physicians came out, and, taking me aside, said:

"He is dying."

I passed into the room, to find Hennessey on his knees beside the bed, crying like a child. My heart chilled.

"Oh, Sherman," he sobbed, "I didn't know it was you when I shot."

The words made me sick at heart. Sherman put a finger to his lips, and glanced at me. Then:

"You have sent for Powers?" inquiringly.

"Yes."

"I want to see him as soon as he arrives."

The presence of the physicians, the consultation in the other room, the noise of the narrow gauge engine as it screamed around the sharp curves in the gulch, were enough to warn him.

"The physicians have not told me so—but I know that I am dying. Powers will fix a few things for me —particularly this unfortunate affair of Hennessey's —it was all my fault."

Then we heard the tram start and stop suddenly several times, as Powers and the visiting surgeons were placed in the buckets. Then the brakes were slipped, and the great wire ropes were allowed to race around the drums faster than ever before, in the hurry to bring relief. The surgeons were the first to step from the buckets—Powers last. I explained matters hastily as we hurried to the office.

An hour later, the examination had been completed. Sherman demanded to know the verdict. The surgeons agreed that he could not live.

"Can nothing be done?" asked Sherman, evenly, without betraying emotion.

"Nothing," was the answer. "We might operate —but it would be fatal."

"How long can I live?"

"Not to exceed two hours."

"Very well;" a glance to the bookkeeper; "get a receipt in full from the doctors, and make out checks for them. Likewise the payroll, up to and including the first of the month. Call in all the men."

When as many as possible had crowded into the bedroom and office, he said:

"I want every man to do as I shall ask him. Tonight I sent Hennessey to the mouth of the tunnel to watch for high-graders.* I told him to let no one enter the portal of the bore. Later I went down myself. While stumbling over the slide rock, I did not hear his challenge, and as I turned in by the old tool house I stepped into the shadow—a suspicious movement—and he fired at me. I spoke then—but it was too late. He was right. I was wrong. The fault was all mine. I want you to draw up a statement to that effect, Powers, and have everybody within sound of my voice sign it, under oath. Then I want you to go into court and clear Hennessey."

Glancing toward the men, he added, in an authoritative tone:

"And mind you—no violence toward my friend Hennessey—remember—my friend."

*A term used in the mines for a man who steals rich ore.

Then Sherman turned to business. He called in and turned over to the visiting engineers the Consolidated property—for it had been sold for a fabulous sum to a foreign syndicate.

Sherman's last moments were spent in signing checks. Everybody about the mine was remembered —this in a lump sum, which Powers was to distribute. Hennessey was given $5,000. Sherman filled out, signed and sealed in an envelope a check, which he handed to Powers, with the statement:

"Open that tomorrow, old man."

Letters he dictated were signed, papers Powers prepared received his signature and were acknowledged, in the presence of more than 100 witnesses, and when he had finished there remained of his vast fortune not a penny—he had given it all away, and in a manner that touched our hearts and caused the tears to well up in the eyes of every man present.

Then Sherman told the following pathetic story:

"Perhaps I have appeared grasping to most of you. It was necessary, however, to accomplish my end. If I had not been, it would not have been possible to do what I have done here, tonight.

"When I was a child, I was left with a little sister —a mere baby, younger than I was. I was a trifle

over eight, she but four. We were destitute. We were not even permitted to follow to the grave the mother who comforted us, who was buried in the pauper's field, and the record of whose burial was lost. I was a great, hulking boy—she a frail child, slight and sickly. There is no use living over those months of torment. She grew weaker. I could not get proper medical treatment, could not afford sufficient food—she was actually dying from lack of nourishment—literally starving to death. Well-fed, sleek authorities of charitable institutions to whom I appealed, men veneered with stiff shirt bosoms and benevolent faces that concealed religious hypocrisy, told me they would investigate. These men permitted a worthy child to die at their feet while I was knocking at their hearts for aid. I worked day and night, at anything, and, why should they care? A kind old woman told them she was taking care of the child. Kind—she took my money, and little attention Elsie received. I stole her away—the police brought us back, and I was threatened with arrest if I tried it again. Well, she died, I believe, of starvation. The day before I walked into a great banking house and told my story to a man there. I touched his heart, and he loaned me money—only a few dollars, but it came too late. When I re-

turned, he went with me, and buried my sister. I saved my pennies, and repaid that debt, and at that tender age I made up my mind that I would do what I could to relieve the condition of helpless children similarly situated.

"I was a good trader and I made money, in my way. My bank account grew. My friend was advanced in the bank, became cashier, and then president of the institution. We grew to be great friends. He was the man who held all of my interests in trust for the amount I owed him, which made me proof against judgment. He was the man who loaned me money to tide over so many tight places. He was my best friend, and once I saved his bank from failure.

"You have heard these letters and you know that my money has gone to the organization of a home to which any hungry, dirty child of the street may turn and obtain food, and where the sick receive succor and the weary comfort, where the attendants are paid a salary for being good, and not for wearing a mantle of charity to conceal a selfish disposition.

"I have planned, and schemed, and stinted myself, with this end in view, for it has been my mission. I never accepted an invitation to a home, I never was familiar with men, for fear I would forget my duty,

as I had mapped it out, for fear I would relax my vigilance in the pursuit of the dollar. Dollars have formed the wheels of my existence, and through them my life is about to pass away, and out of them the fabric of my work is just emerging.

"I am quite poor now—in fact, a pauper again. In a few moments I shall have passed Beyond. I want you to bury me as I have lived—simply and plainly. Get the mine carpenter to knock a rough box together, and bury me up on the ridge, in sight of Ascension Mountain.

"My life may not have been charitable—I may have ground others down—I may have paved a path for my soul that leads straight down to the bottomless pit of a burning hell, but if I have, the sacrifice will be small on my part, and will be more than compensated for by the joy it will bring to the homeless waifs who may live to grow to be useful men and women, through the fruits of my labor."

A few moments later and he had passed to the other side.

We buried him as he wished, in a rough pine box, which was lined with black cloth. The rude coffin was lowered into a grave made in the rocks, on the ridge of the continent, and that night God covered his bed with a soft mantle of snow.